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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,671	12/31/2003	Hiroshi Sekiguchi	DAIN:761	2775

6160 7590 01/26/2005

PARKHURST & WENDEL, L.L.P.  
1421 PRINCE STREET  
SUITE 210  
ALEXANDRIA, VA 22314-2805

EXAMINER
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HASAN, MOHAMMED A

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

CA

<b>Office Action Summary</b>	<b>Application No.</b> 10/748,671	<b>Applicant(s)</b> SEKIGUCHI ET AL.	
	<b>Examiner</b> Mohammed Hasan	<b>Art Unit</b> 2873	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1- 5, 10 is/are pending in the application.
- 4a) Of the above claim(s) 6- 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1- 3, 10 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/23/2004</u> . | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

1. Claims 6 – 9, withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in the reply filed on 12/3/2004.

2. Applicant's election of 1 – 5, and 10 in the reply filed on 12/3/2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Priority***

3. Receipt of acknowledged of papers submitted under 35 U.S.C. 119 (a) – (d), which papers have placed of record in the file.

### ***Oath/Declaration***

4. Oath and declaration filed on 4/23/2004 is accepted.

***Information Disclosure Statement***

5. The prior art documents submitted by applicant in the Information Disclosure Statement filed on 6/23/2004 2000 have all been considered and made of record (note the attached copy of form PTO – 1449).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 3, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogino et al (4,919,518).

Regarding claim 1, Ogino et al discloses (refer to figures 1, 3 - 5) a Fresnel lens sheet that condenses imaging light obliquely projected from a projector (i.e., reference numerals 1, 2, 3 and 4 represent a unit module projector) (column 2, lines 55 – 62) to let the light emerge toward a view's side as nearly parallel rays, comprising: a base sheet (9) (column 3, line 26) form and a plurality of prisms formed (12) (as shown in figure 4) (column 3, lines 53 – 54) on an incident side of the base, each of the prisms having a plane of refraction that refracts projected light and a plane of total reflection that totally

Art Unit: 2873

reflects, toward the viewer's side at least part of the light refracted at the plane of refraction, wherein each root defined by the plane of refraction of one prism among a plurality of the prisms and the plane of total reflection of another prism, the another prism being situated next to the one prism on the side of the plane of refraction of the one prism is curved toward the another prism side from the one prism side (column 3, lines 24 – 64).

Regarding claim 2, Ogino et al discloses, wherein, in a cross section of each of the prisms vertical to its edge, a distance of shift, due to curve, of an end of the root is not more than 20% of a prism pitch (column 4, lines 32 – 37).

Regarding claim 3, Ogino et al discloses, wherein, in a cross section of each of the prisms vertical to its edge, a distance of shift, due to curve, of an end of the root is not more than 15% of a prism pitch (column 4, lines 32 - 37).

Regarding claim 10, Ogino et al discloses, a light-diffusing sheet (10) placed on a viewer's side of the Fresnel lens sheet (column 3, line 35).

### ***Allowable Subject Matter***

7. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to show, a cross section of each of the prisms vertical to its

Art Unit: 2873

edge, a length to its edge, a length of the curved portion of the plane of refraction of the root and that of the curved portion of the plane of total reflection of the root are not more than 40% of a total length of the plane of refraction and of a total length of the plane of total reflection respectively and the curved portion of the plane of total reflection of the root are not more than 30% of a total length of the plane of refraction.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The closest prior art

Ishikawa et al (5,398,137) discloses, a lens for a lamp and method of producing a die therefor.

Scheer (6,252,724 B1) discloses, a method for producing a Fresnel lens having a staged entrance surface, reflecting surfaces and an exit surface.

### ***Conclusion***

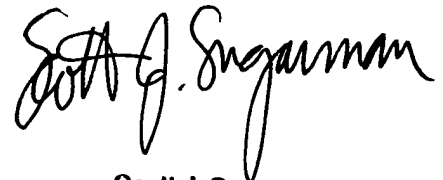
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571) 272- 2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2873

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MH  
January 14, 2005

A handwritten signature in black ink, reading "Scott J. Sugarman". The signature is fluid and cursive, with the first name "Scott" and last name "Sugarman" clearly legible.

**Scott J. Sugarman**  
**Primary Examiner**